

1 BY *W. Donald J. Lugo*

H. B. NO. 535

2 *Atwood, Montoya*

3 *Rapp*

4 *Longoria*

5 *Pipkin*

6 *W. L. ...*

7 A BILL  
8 TO BE ENTITLED

9  
10 AN ACT relating to the creation of a conservation and  
11 reclamation district to be known as the Lower Rio  
12 Grande Water Conservancy District, and providing  
13 for its administration, rights, powers, duties,  
14 and operating procedures; authorizing the district  
15 court to punish for contempt in certain cases;  
16 providing that the Act shall be cumulative of other  
17 Acts where not inconsistent or in conflict; providing  
18 for severability; and declaring an emergency.

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

21  
22 Section 1. There is hereby created within the State of Texas, in  
23 addition to the districts into which the state has heretofore been divided,  
24 a conservation and reclamation district by the name of "Lower Rio Grande  
25 Water Conservancy District" (hereinafter referred to as the "District")  
26 and which shall be recognized to exercise all of the powers of and be a  
27 governmental agency and body politic and corporate with the powers,  
28 rights, privileges and functions hereinafter specified and the creation of  
29 such District is hereby determined to be essential to the accomplishment  
30 of the purposes of Section 59 of Article XVI of the Constitution of the  
31 State of Texas.

32 Sec. 2. The territory which shall be embraced within the boundaries  
33 of the District shall consist of that part of the State of Texas which is  
34 included within the whole of Starr, Hidalgo, Cameron and Willacy  
35 Counties. It is provided, however, that the boundaries of said District,  
36 as hereby established, shall control only until the actual boundaries of the  
37 area within said four counties having a right to share in the waters of the  
38 Rio Grande as hereinafter defined have been established by final judg-  
39 ment or judgments of a court or courts having jurisdiction thereof. As  
40 soon as practical after such judgment (s) do become final, the Board of  
41 Directors hereinafter elected are directed to define said actual boundaries  
42 by written calls of the metes and bounds and file the same with accom-  
43 panying map or maps in the office of the District in appropriate form. No  
44 defect or irregularity in the boundaries of the District shall ever affect  
45 the validity of the District hereby created or any part of its rights,  
46 powers, privileges or functions. It is hereby affirmatively found and  
47 determined that all of the lands and property included within the bound-  
48 aries of the District will be benefited and that the District is created to  
49 serve a public use and benefit. No election shall be necessary for the  
50 purpose of confirming its organization and no hearing shall be held to  
51 determine whether any lands and property included in its boundaries  
52 should be excluded.

53 Sec. 3. The waters of the Rio Grande, constituting the south  
54 boundary line of District, to which the United States is entitled, are as  
55 established by the provisions of treaties between the United States of  
56 America and the United Mexican States and particularly a Treaty dated  
57 February 3, 1944, which became effective on November 8, 1945, herein-  
58 after called "Treaty." Reference is made to said Treaty, protocol and  
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1 its ratification agreement for all purposes of this Act. The United States  
2 share of the waters of the Rio Grande below Fort Quitman, Texas,  
3 subject "to diversion" and "release" under the terms of said Treaty for  
4 utilization in said four (4) counties are hereinafter referred to in this  
5 Act as "such waters." The District is hereby designated for the  
6 purposes enumerated herein as the lawfully accredited agent of the State  
7 of Texas and all persons, private corporations, water districts, municipi-  
8 palities and other political subdivisions of the State of Texas entitled to  
9 share in the use of such waters in said four (4) counties. All such  
10 persons, private corporations, water districts, municipalities and other  
11 political subdivisions are hereinafter referred to as "water users." To  
12 the extent necessary, District is authorized and empowered to request  
13 the release of such waters from the United States Section of the Inter-  
14 national Boundary and Water Commission, an agency of the United States  
15 Government operating under the terms of said Treaty. Such waters are  
16 now in the judicial custody of the District Courts of Hidalgo County,  
17 Texas, and the exercise of the authority and control over such water by  
18 the District as set out in this Act is hereby postponed and shall not  
19 become effective in any particular until such time as the judicial custody  
20 of such water is terminated by said Courts having jurisdiction thereof in  
21 cases now pending. At such time and thereafter, the District shall have  
22 power to:

23 (a) Control, conserve, protect, allocate, distribute and utilize such  
24 water for all useful purposes within the District in accordance with the  
25 rights to such water as adjudicated and established by final judgment (s)  
26 of a court having jurisdiction thereof;

27 (b) Make or cause to be made surveys and engineering investigation  
28 for the information of the District necessary to facilitate the accomplish-  
29 ment of the purposes for which it is created;

30 (c) Adopt and enforce reasonable rules and regulations to control the  
31 distribution of such water, to prevent waste of water or the unauthorized  
32 use thereof, to establish reasonable standards of procedure for the  
33 release of water and the diversion thereof by water users within the  
34 District and to prescribe penalties for the failure or refusal of water  
35 users to comply with such rules and regulations, and such penalties may  
36 include but are not limited to the right to refuse to permit water diver-  
37 sions by water users who do so fail or refuse to comply;

38 (d) File affidavits and otherwise act in the enforcement by contempt  
39 proceedings of the terms and conditions of permanent injunction (s)  
40 contained in final judgment (s) adjudicating the water rights of water  
41 users;

42 (e) Fix and collect water charges for services rendered by District  
43 as hereinafter set out and to impose and enforce penalties for failure to  
44 pay such charges when due, including the right to refuse water diversions  
45 by water users who fail or refuse to pay the same;

46 (f) Make contracts and to execute all instruments necessary or use-  
47 ful to the exercise of the powers, rights, privileges and functions of the  
48 District;

49 (g) Sue or be sued in its corporate name;

50 (h) Adopt, use and alter a corporate seal;

51 (i) Make by-laws for the management and regulation of its affairs;

52 (j) Hire and appoint officers, agents and employees, to prescribe  
53 their duties and fix their compensation;

54 (k) Acquire property necessary or useful to the exercise of the  
55 powers, rights, privileges and functions conferred upon it by this Act  
56 by purchase, lease or gift.

57 Sec. 4.

58 A. The District's powers shall be exercised through a Board of  
59 Directors consisting of nine (9) members, each of whom shall serve for  
60

1 a term of six (6) years, three of whom shall own taxable property and  
2 reside in that portion of the District located in Hidalgo County, three of  
3 whom shall own taxable property and reside in that portion of the District  
4 located in Cameron County, one of whom shall own taxable property and  
5 reside in that portion of the District located in Willacy County, one of  
6 whom shall own taxable property and reside in that portion of the District  
7 located in Starr County, and one of whom shall own taxable property and  
8 reside in the District-at-large. The first election of a Board of  
9 Directors of District as hereinafter provided shall be held during the  
10 first calendar year, and not until such year, as will enable District to  
11 succeed and immediately follow but not interfere with the Courts' custody  
12 and control of such waters, regardless of how long such time may be  
13 after the passage of this Act. It is expressly provided that such judicial  
14 custody and control of such waters shall remain in the District Courts of  
15 Hidalgo County, Texas, pending appeal (s), if any, from final judgment (s)  
16 rendered therein and until District assumes control of such waters  
17 under the provisions of this Act.

18 B. The three directors from the area of the District located in  
19 Hidalgo County and the three directors from the area of the District  
20 located in Cameron County shall be selected in the following manner:

21 (1) CITIES AND TOWNS: (a) One representative of each city or  
22 town located in that portion of District situated in Cameron County shall  
23 meet at the courthouse in Brownsville, Texas, at 9:30 A. M. on the second  
24 Tuesday in February of each year in which such an election is necessary  
25 under the provisions of this Act. One representative of each city or town  
26 located in that portion of District situated in Hidalgo County shall meet  
27 at the courthouse in Edinburg, Texas, at 9:30 A. M. on the second  
28 Tuesday in February of each year in which such an election is necessary  
29 under the provisions of this Act. Each of such representatives shall be  
30 appointed by the governing board of such city or town which he is to  
31 represent, shall carry to such meeting proper credentials certifying  
32 his appointment as the representative of such city or town and such  
33 credentials shall also state the population of such city or town according  
34 to the latest federal census. The initial meeting of said representatives  
35 of cities and towns will be presided over by the county judge in each of  
36 the respective counties or his representative, and there shall be elected  
37 at such meeting from the representatives of said cities or towns a  
38 chairman, vice chairman, secretary and such other officers as may be  
39 considered necessary for the proper conduct of the meeting. After  
40 election of the officers of such meeting, the county judge or his repre-  
41 sentative shall certify the results of the election and such certificate  
42 shall become a part of the minutes of the meeting. Upon such certifica-  
43 tion the elected officers of such meeting shall thereupon conduct the  
44 meeting, shall remain as officers of the representatives of cities and  
45 towns for two (2) years or until their successors are elected and shall  
46 serve as officers at the next annual meeting of the representatives of  
47 cities or towns in each of the respective counties until their successors  
48 have been elected.

49 (b) The chairman of the meeting shall appoint a Credentials Commit-  
50 tee which shall consist of three (3) members, and such Credentials  
51 Committee shall prepare a complete list of cities or towns in the Dis-  
52 trict area situated in the respective county entitled to such waters in  
53 accordance with water rights established by final judgment (s) as herein  
54 set out. Such committee will examine the credentials of each representa-  
55 tive of each such city or town and if such credentials appear to be  
56 correct and satisfactory, make proper entry thereof in a permanent book  
57 which will hereinafter be referred to as the Credentials Record. Such  
58 record will contain the name of the representative appointed, the name of  
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1 the city or town represented and the population of such city or town  
2 according to the latest federal census. Such Credentials Record shall  
3 also indicate the number of votes or fraction of a vote to be cast by each  
4 representative based upon one one-thousandth (1/1000) vote for each  
5 resident of the city or town represented computed according to the latest  
6 federal census. After such Credentials Record is completed, it shall be  
7 delivered to the Secretary to be made a part of the minutes of such  
8 meeting.

9 (c) The Chairman shall then announce the Credentials Record as  
10 having been completed and shall call for nominations for one Director to  
11 the Board of Directors of District. After nominations are completed and  
12 recorded by the Secretary, the Chairman shall call for voting. Each  
13 representative will write his choice for Director on a paper ballot, sign  
14 his name to the ballot as well as the name of the city or town which  
15 he represents and deliver such ballot to the Chairman. When such  
16 ballots have been received by the Chairman, he shall announce the  
17 representative's name and the city or town represented by him, and the  
18 Secretary will thereupon announce the number of votes and fraction of a  
19 vote to be cast by such representative as indicated by the Credentials  
20 Record, and this information will be noted on the ballot and the Secretary  
21 will mark the Credentials Record to indicate such representative as  
22 having voted. After all ballots are received by the Chairman, or two  
23 hours after the call for voting, the voting will be declared closed and  
24 thereafter no ballots will be received. The tabulation of ballots cast will  
25 be made after voting has been closed, and the person receiving the highest  
26 number of votes cast will be declared to be elected as a Director of the  
27 District for the ensuing term.

28 (2) IRRIGATED LANDS: (a) Representatives of the irrigated lands  
29 located in that portion of District situated in Cameron County, Texas,  
30 shall meet at the Courthouse in Brownsville, Texas, at 2:00 P. M. on the  
31 second Tuesday in February of each year in which such an election is  
32 necessary under the provisions of this Act. Representatives of the  
33 irrigated lands located in that portion of District situated in Hidalgo  
34 County shall meet at the Courthouse in Edinburg, Texas, at 2:00 P. M.  
35 on the second Tuesday in February of each year in which such an election  
36 is necessary under the provisions of this Act. "Irrigated lands" for the  
37 purpose of this election section of the Act only are defined as including  
38 all lands located in the respective counties of District not embraced  
39 within a city or town. Such irrigated lands as are included within the  
40 boundaries of an organized and operative water control and improvement  
41 district or a water improvement district, shall be represented by one  
42 person appointed by the Board of Directors of each such local water  
43 district and such representative shall carry to such meeting proper  
44 credentials certifying his appointment as the representative of such local  
45 water district and stating the irrigated lands included in such local water  
46 district according to water rights established by final judgment (s) as  
47 herein set out, effective as of the date of certification.

48 (b) Irrigated lands not located within a water control and improve-  
49 ment district nor water improvement district shall be represented by the  
50 owner of such land or by a person designated in writing by the owner  
51 to represent such lands at the meeting. If the owner or owners represent  
52 lands in the District such owner or owners shall furnish the Credentials  
53 Committee with satisfactory proof of ownership. The representative of  
54 such lands if other than the owner shall be certified by the duly authorized  
55 owner or owners as the representative of such lands by written  
56 certificate signed by the owner or owners and such written certificate  
57 shall also set forth the irrigated lands according to water rights  
58 established by final judgment (s) as herein set out, effective as of the  
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1 date of certification. Such certification shall be executed by the owner  
2 or owners before a Notary Public.

3 (c) The initial meeting of the representatives of irrigated lands in  
4 Hidalgo and Cameron Counties shall be presided over by the respective  
5 county judge in each of said counties or his representative and there shall  
6 be elected at such meeting from the representatives of irrigated lands a  
7 Chairman, Vice Chairman, Secretary and such other officers as may be  
8 considered necessary for the proper conduct of the meeting. After elec-  
9 tion of the officers of such meeting, the respective county judge or his  
10 representative shall each certify the results of the election and such  
11 certificate shall become a part of the minutes of the meeting. Upon  
12 certification the elected officers of such meeting shall thereupon conduct  
13 the meeting, shall remain as officers of the representatives of irrigated  
14 lands for two (2) years or until their successors are elected and shall  
15 serve as officers at the next annual meeting of the representatives of  
16 irrigated lands in each of the respective two (2) counties until their  
17 successors have been elected.

18 (d) The Chairman of the meeting shall appoint a Credentials Commit-  
19 tee which shall consist of three (3) members, and such Credentials  
20 Committee shall prepare a complete list of irrigated lands in the District  
21 area situated in the respective county entitled to such waters in accord-  
22 ance with such established water rights. Such committee shall examine  
23 the credentials of each representative of irrigated lands and if such  
24 credentials appear to be correct and satisfactory, make proper entry  
25 thereof in the Credentials Record. Such record will contain the name of  
26 the owner or the representative appointed by such owner and a brief  
27 description of the irrigated lands, according to such established water  
28 rights. Such Credentials Record shall also indicate the number of votes  
29 or fraction of a vote to be cast by each owner or representative of  
30 irrigated lands based upon one one-thousandth (1/1000) vote for each  
31 acre entitled to such established water rights. After such Credentials  
32 Record is completed, it shall be delivered to the Secretary to be made  
33 a part of the minutes of such meeting.

34 (e) The Chairman shall then announce the Credentials Record as  
35 having been completed and shall call for nominations for two (2) Directors  
36 to the Board of Directors of District. After nominations are completed  
37 and recorded by the Secretary, the Chairman shall call for voting. Each  
38 owner or representative will write his choice for two (2) Directors on a  
39 paper ballot, sign his name on the ballot as well as a brief description of  
40 the irrigated land he owns or represents and deliver such ballot to the  
41 Chairman.

42 (f) When such ballots have been received by the Chairman, he shall  
43 announce the owner's or representative's name and the lands owned or  
44 represented by him and the Secretary will thereupon announce the number  
45 of votes to be cast by such owner or representative as indicated by the  
46 Credentials Record, and this information, as to number of votes, will  
47 be noted on the ballot and the Secretary will mark the Credentials  
48 Record to indicate such owner or representative as having voted. After  
49 all ballots are received by the Chairman, or two (2) hours after the call  
50 for voting, the voting will be declared closed and thereafter no ballots  
51 will be received. The tabulation of ballots cast will be made after voting  
52 has been closed, and the two (2) persons receiving the highest number  
53 of votes cast will be declared to be elected as Directors of the District  
54 for the ensuing term.

55 C. The one Director from the area of the District located in Starr  
56 County and the one Director from the area of the District located in  
57 Willacy County shall be selected in the following manner: Representatives  
58 of cities or towns and representatives of irrigated lands in that portion  
59 of District situated in each of such two (2) counties shall be selected and  
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1 designated as set forth in Section 4, Subsections B(1) and B(2) above  
2 and shall meet at the Courthouse of their respective counties at 9:30 A.M.  
3 on the second Tuesday in February in each year in which such an election  
4 is necessary under the provisions of this Act. Each of such meetings  
5 shall be a joint meeting of the representatives of cities and towns and the  
6 representatives of irrigated lands in that portion of District situated in  
7 each of such two (2) counties. The county judge of each of said counties,  
8 respectively, or his representative shall preside at each meeting and  
9 such meetings shall be conducted in the same manner and on the same  
10 basis as set out in Section 4, Subsections B(1) and B(2) above except that  
11 the one Director from the area of the District located in Starr County  
12 and the one Director from the area of the District located in Willacy  
13 County shall be selected by the combined vote of the representatives of  
14 cities and towns and the representatives of irrigated lands in each of such  
15 county areas.

16 D. The completed minutes of each meeting held for the election of  
17 Directors shall be mailed or delivered to the County Judge of Hidalgo  
18 County, Texas, in the case of the first meeting not later than the third  
19 Thursday in February following such elections. The said County Judge  
20 shall, upon receipt of the minutes of all meetings, notify each elected  
21 Director in writing of his election and request his attendance at an  
22 organizational meeting to be held at 10:00 A. M. on the first Monday in  
23 March after said first elections in the County Courthouse at Edinburg,  
24 Texas. The County Judge of Hidalgo County, Texas, or his representa-  
25 tive shall preside at this organizational meeting. The eight (8) members  
26 of the Board of Directors selected as set out above shall elect a  
27 member-at-large from the District and the entire Board shall thereupon  
28 elect its officers. All records of election and minutes of the various  
29 meetings shall thereupon be delivered to the Secretary of the Board of  
30 Directors. Three of the members of the first Board of Directors so  
31 elected shall serve for six (6) years, three of the members of the first  
32 Board of Directors so elected shall serve for four (4) years and three  
33 of the members of the first Board of Directors so elected shall serve  
34 for two (2) years from the date of said organizational meeting, and upon  
35 the expiration of the respective terms of said first Directors, the  
36 successors of each and all of them shall be elected thereafter for a term  
37 of six (6) years. The first Directors shall then determine by lot (unless  
38 otherwise determined by unanimous vote of the Board of Directors) the  
39 three Directors whose terms shall be for six (6) years, the three  
40 Directors whose terms shall be for four (4) years and the three  
41 Directors whose terms shall be for two (2) years. The Board of Direc-  
42 tors shall proceed to employ a Water Master and perform such other  
43 duties as may be necessary for District to assume control of such  
44 waters and commence operations at midnight of March Fifteenth (15th)  
45 of the first year after such meetings and elections are held.

46 At all subsequent meetings following elections of Directors, the  
47 completed minutes of each meeting shall be delivered to the President  
48 of the Board of Directors and the Secretary of the Board of Directors  
49 shall notify in writing each elected Director of his election. The annual  
50 meeting of representatives to elect Directors at the second and all  
51 subsequent meetings will be held at a place and time to be designated by  
52 the Board of Directors of District and publication of such time and place  
53 shall be given in the same manner as notice of election of Directors of  
54 a water control and improvement district. The dates set out in this  
55 section for the various meetings shall be applicable to the first meet-  
56 ings only and subsequent meetings may be held upon such date, time  
57 and place as directed by the Board of Directors.

58 E. Each Director shall serve for his term of office as herein  
59 provided and thereafter until his successor shall be elected and  
60 qualified. Vacancies occurring on the Board of Directors shall be filled

1 for the unexpired term by the election body which last elected the  
2 Director whose position is to be filled and in the manner herein provided  
3 for election of Directors. To be qualified for election to the Board of  
4 Directors a person must be more than twenty-one (21) years of age. No  
5 member of a governing body of a city, town, local water district or other  
6 political subdivision of the state, and no employee or agent of such city,  
7 town, local water district or other political subdivision of the state  
8 shall serve as a Director.

9 F. Each Director shall subscribe to the constitutional oath of office  
10 and shall give bond in the amount of Five Thousand Dollars (\$5,000) for  
11 the faithful performance of his duties, the cost of such bond to be paid  
12 by the District.

13 G. Each Director shall receive a fee of not to exceed Twenty-five  
14 Dollars (\$25) for attending each regular or special meeting of the Board,  
15 and shall also be reimbursed actual expenses incurred in attending to  
16 District business, provided such fee and expenses are authorized and  
17 approved by the Board of Directors.

18 H. The Board of Directors shall perform official actions by  
19 resolution, and six (6) Directors shall constitute a quorum for the  
20 transaction of any and all business of District. A majority vote of those  
21 present shall be sufficient in all official actions including final passage  
22 and enactment of all resolutions.

23 I. The Board of Directors shall hold regular meetings every two (2)  
24 months, the dates thereof to be established in the District's by-laws or by  
25 resolution. The President, or in his absence or disability, the Vice  
26 President, or any three (3) members may call such special meetings  
27 as may be necessary in the administration of the District's business,  
28 provided that at least five (5) days prior to the meeting date notice  
29 thereof shall have been mailed to the address which each member shall  
30 file with the Secretary. Notices of special meetings may be waived in  
31 writing by any Director.

32 J. The President of the District shall be elected by the Board of  
33 Directors from among its members. He shall preside at the meetings of  
34 the Board and shall perform all other functions which customarily are  
35 incident to his office. A Vice President shall be elected by the Board  
36 from among its members, and shall act as President in case of the  
37 inability, absence or failure of the President to so act. A Secretary  
38 shall be elected by the Board with the Board having discretion as to  
39 whether such officer shall be chosen from among the members of the  
40 Board. The Secretary shall be charged with the duty of seeing that all  
41 books and records of the District are properly kept. All such officers  
42 shall hold office for such term and be subject to removal in such manner  
43 as may be provided by the by-laws.

44 K. The Board shall employ a Water Master for the District who  
45 shall be the general manager and chief executive officer of the District,  
46 and the Board may accord him full power and authority in the manage-  
47 ment and operation of the affairs of the District, subject only to the  
48 orders of the Board, and may determine his compensation. The Board  
49 shall authorize the Water Master to employ and determine the compen-  
50 sation of such other employees as may be deemed appropriate and  
51 necessary to the proper conduct of the District's affairs. The Board  
52 shall have authority to provide for the removal of all employees. The  
53 Water Master shall be the official treasurer of the District and have  
54 charge of its funds and any unexpended or uncommitted funds on deposit  
55 with the Clerk of the District Court of Hidalgo County, Texas, upon  
56 termination of judicial control and custody of such waters as may be  
57 turned over to the District by said Courts; shall see that same are  
58 safely kept; and shall account therefor to the Board. The Water Master  
59 shall give bond in such amount as may be required by the Board but in  
60 no event less than Fifty-Thousand Dollars (\$50,000). The expense of the

1 bond premium shall be paid by the District.

2 L. The moneys of the District shall be disbursed only on checks,  
3 drafts, orders or other instruments signed by such persons as shall be  
4 authorized by the by-laws and resolutions of the Board of Directors.

5 M. A regular office shall be established and maintained for the  
6 conduct of the District's business, which shall be at a location to be  
7 determined by the Board. The Board of Directors shall keep a true and  
8 full account of the proceedings of its meetings, and shall preserve its  
9 minutes, contracts, records, notices, accounts, receipts and all per-  
10 manent records in a fireproof vault or safe.

11 N. The Board of Directors shall cause to be kept complete and  
12 accurate accounts conforming to approved methods of bookkeeping and  
13 such accounts and all contracts, documents, and records of the District  
14 shall be kept at its principal office and shall be open to public inspection  
15 at all reasonable times. Within ninety (90) days after the end of each  
16 calendar year, the Board shall cause to be made and completed an audit  
17 of books of account and financial records of the District for the preceding  
18 calendar year, such audit to be made by an independent Certified Public  
19 Accountant, or a firm of Certified Public Accountants. Copies of the  
20 written report of such audit certified to by said accountant or accountants  
21 shall be placed and kept on file at the office of the District and shall be  
22 open to public inspection at all reasonable times.

23 O. The Board of Directors shall designate one or more banks within  
24 the District to serve as depository for the funds of the District. All  
25 funds of the District shall be deposited in such depository bank or banks.  
26 All funds deposited shall be secured in the manner provided by law for  
27 the security of county funds.

28 P. The Board shall establish and collect water charges for all the  
29 services performed by the District from water users, which rates and  
30 charges shall be reasonable and non-discriminatory and sufficient to  
31 produce revenue adequate to pay for all expenses necessary to the  
32 operation of the offices, properties and facilities of the District. The  
33 water charges may be assessed and collected ratably on an irrigable  
34 acreage basis among water users using water for irrigation and  
35 assessed and collected ratably on a per-acre-foot-of-water basis  
36 among water users using water for uses other than for irrigation, and  
37 during the first year of operation of District in control of such water,  
38 such charges shall not be more than those assessed by the Court(s) in  
39 the last year during which such regulatory services were performed  
40 under the judicial custody of the Court, and all cities, towns, local  
41 water districts and other political subdivisions situated within the  
42 boundaries of District are authorized to pay such water charges which  
43 are hereby found to be of benefit to said water users.

44 Sec. 5. The District shall, within the reasonable limitations of the  
45 available water supply and the existing facilities and its own authority,  
46 permit water users to divert such water as they may be entitled to at a  
47 point or place on the Rio Grande where the individual water user can  
48 most economically divert it. The Board shall adopt and publish  
49 reasonable rules and regulations for the control and distribution of such  
50 water, for the prevention of waste or the unauthorized use thereof, for  
51 procedures governing the requests for release of water and the diversion  
52 thereof by water users within the District and shall prescribe and  
53 publish rules describing penalties for the failure or refusal of water  
54 users to comply therewith. Each water user may enforce his right to  
55 water against the District in any manner provided by law.

56 Sec. 6. All cities, towns, local water districts, navigation  
57 districts and other political subdivisions which lie within the boundaries  
58 of the District shall continue to exercise their respective functions in  
59 the manner provided by law, and nothing in this Act shall be construed  
60 as abolishing or dissolving such cities, towns, local water districts,



1 navigation districts and other political subdivisions or to permit District  
2 in any particular to interfere with the internal affairs of such cities,  
3 towns, water districts, navigation districts and other political sub-  
4 divisions.

5 Sec. 7. No provision of this Act, regardless of other sections  
6 herein, shall affect, alter, change, increase or diminish in any  
7 particular the substantive water rights of any water user.

8 Sec. 8. District is expressly prohibited from contracting in any  
9 manner or extent for a drainage system.

10 Sec. 9. District is expressly prohibited from submitting a bond  
11 issue, from levying an ad valorem tax and from issuing revenue bonds.

12 Sec. 10. The district court having jurisdiction over water users  
13 as defined in this Act may punish any of said water users found guilty of  
14 contempt of such court by fine not exceeding One Thousand Dollars  
15 (\$1,000) and by imprisonment not exceeding three (3) days.

16 Sec. 11. The District shall not be required to give a cost, super-  
17 sedeas bond or other court bonds, or to pay a cost deposit on any appeal  
18 from the judgment of any court in this state.

19 Sec. 12. This Act shall be cumulative of all other Acts, but to the  
20 extent that its provisions are inconsistent with or in conflict with any  
21 other Act, the provision of this Act shall prevail and take precedence.

22 Sec. 13. Nothing herein contained shall be construed in any manner  
23 such as might preclude full compliance with the provisions of any treaty,  
24 entered into and signed by the United States of America and the United  
25 Mexican States. All actions and rights existing under the authority of  
26 this Act shall be controlled to the extent necessary to afford full com-  
27 pliance with the terms of said treaties.

28 Sec. 14. Nothing in this Act or any other act or law contained, how-  
29 ever, shall be construed as authorizing the District to levy or collect  
30 taxes or assessments other than water charges adequate to pay the cost  
31 of exercising its regulatory powers as set out in this Act, nor shall  
32 District create any indebtedness payable out of taxes or assessments  
33 other than those authorized herein or in any way pledge the credit of  
34 the state.

35 Sec. 15. It is determined and found that a proper and legal notice  
36 of intention to introduce this Act, setting forth the general substance of  
37 this Act, has been published at least thirty (30) days and not more than  
38 ninety (90) days prior to the introduction of this Act in the Legislature  
39 of Texas, in a newspaper having general circulation in Cameron, Hidalgo,  
40 Starr and Willacy counties, and a copy of such notice and copy of this  
41 Act have been delivered to the Governor of Texas who has submitted  
42 such notice and Act to the Texas Water Commission, and said Texas  
43 Water Commission has filed its recommendation as to such Act with  
44 the Governor, Lieutenant Governor and Speaker of the House of  
45 Representatives of Texas within thirty (30) days from the date such  
46 notice and Act were received by the Texas Water Commission; and it is  
47 further determined and found that all the requirements and provisions of  
48 Article XVI, Section 59(d) of the Constitution of the State of Texas have  
49 been fulfilled and accomplished as therein provided.

50 Sec. 16. Nothing in this Act shall be construed to violate any  
51 provisions of the Federal or State Constitutions, and all acts done under  
52 this Act shall be done in such a manner as will conform thereto, whether  
53 herein expressly provided or not. Where any procedure hereunder may  
54 be held by any Court to be violative of either of such constitutions, the  
55 District shall have the power by resolution to provide an alternative  
56 procedure conformable with such constitutions. If any provision of this  
57 Act shall be invalid, such fact shall not affect the creation of the District,  
58 or the validity of any other provisions of this Act, and the Legislature  
59 here declares that it would have created the District and enacted the  
60 valid provisions of this Act, notwithstanding the invalidity of any other

1 provision or provisions hereof.

2       Sec. 17. The fact that the creation of such District will result in  
3 material benefit to the State of Texas and to the territory included in  
4 said District and will effectively promote the conservation and preser-  
5 vation of the waters of the State of Texas, creates an emergency and  
6 an imperative public necessity that the Constitutional Rule requiring that  
7 bills be read on three several days in each House be suspended, and such  
8 Rule is hereby suspended, and that this Act shall be in full force and take  
9 effect from and after its passage, and it is so enacted.

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H. B. No. 535 By McDonald, G.  
et al  
A BILL  
TO BE ENTITLED

AN ACT relating to the creation of a conservation and reclamation district to be known as the Lower Rio Grande Water Conservancy District, and providing for its administration, rights, powers, duties, and operating procedures; . . . etc.; and declaring an emergency.

FILED FEB 15 1965

FEB 16 1965 READ 1ST TIME  
AND REFERRED TO COMMITTEE ON

Conservation &  
Reclamation